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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,340	03/09/2004	Alexander Medvinsky	D03046	1990
43471	7590	04/16/2008		
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			EXAMINER STANLEY, MARK P	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 04/16/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
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Office Action Summary

Application No.

10/796,340

Applicant(s)

MEDVINSKY ET AL.

Examiner

MARK P. STANLEY

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-20,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 3/12/2008.
2. Claims 1-2, 4, 7-20, 23 are pending in the application. Claims 1, 4, 7, 11-12, 15 and 23 have been amended. Claims 3, 5-6, and 21 have been canceled.

Response to Arguments

3. Applicant's arguments filed 3/12/2008 with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-2, 4, 7-20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al. (US 6,163,644 hereinafter Owashi) and in view of Nomura et al. (US 2002/0078176 A1 hereinafter Nomura).

Regarding claim 1, Owashi discloses "a method of controlling use of program content, said method comprising:

receiving program content; (Fig. 1, item 52 receives programming from a program distribution center)

storing said program content in memory;" (Fig. 1, received programming content is stored in item 53 a recorder for reproduction to item 54 a tv)

"storing a rule for determining whether said program content in memory may be played; (col. 18 lines 33-36, received program content contains viewing rights in the form of video and audio entitlement control messages as rules for determining reproduction)

receiving a first time out message operable for use with said rule, wherein said first time out message comprises a system time of day value" (col. 10 lines 36-49, col. 17 lines 22-25, col. 18 lines 26-29, Fig. 2, system time of day value shown in Table 2 created at item 30 the program distribution center, where a system time of day is determined by an MPEG time stamp created at the distribution center, where changed program information shown in Table 2 is identical to initial received program information as stated in col. 17 lines 22-25) and a time out limit indicating a time of day value by which an update message must be received; (col. 18 lines 33-49, received program content contains viewing rights in the form of video and audio entitlement control messages which include time limits, where entitlement control messages are transmitted with a system time of day hence a single entity is received for use with said rule prior to reproduction requests,

But, while Owashi discloses calculating the current time of day through a local clock (col. 18 lines 30-31, Fig. 12, item 630 a timing circuit) and comparing the current time of day with the system time of day reference received from a distribution center (col. 18 lines 31-32) for enforcing the viewing rights whereby

reproduction is disabled if the current time of day is not within the time limit (col. 18 lines 29-49). Owashi does not explicitly state the use of a local clock synchronized to the received system time of day where after synchronization the local clock is used to determine the current time of day, Owashi does suggest doing so in a separate embodiment when received program content is streamed from a tuner (col. 17 lines 61-63) containing a system time of day value in the program information (col. 17 lines 63-col. 18 lines 5) submitted to the local clock (col. 18 lines 2-6, the time setting circuit acting as a local clock) where the local clock then determines the current time of day using the system time of day value received.

Additionally, while Owashi teaches receiving streamed video content where a user is constantly receiving updated viewer rights information and system reference times associated with the viewer rights where it would be necessary to receive a new time limit in a viewer rights information to continue viewing streamed media content prior to expiration of a previous time agreement received in the viewer rights of the streamed content (col. 10 lines 8-25, col. 17 lines 4-13). Owashi does not explicitly state doing so for a previously stored video content. But, Nomura teaches a video-on-demand system where timed agreement media content stored locally may received a renewed timed agreement without having to re-download the media content ([0045])

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine the current time of day using a local clock with the system time of day value received for streaming program

content received via a tuner from a program distribution as taught by Owashi with Owashi's teachings for enforcing usage rules of received content based on comparing a local clock current time to a received system time of day and further combine the teachings of Nomura for receiving information for a renewal of timed agreements of a stored media content with the teachings of Owashi for enforcing timed agreements of a stored media content. One would have been motivated to do so for providing a reliable current time of day by synchronizing the local clock to the system time of day and further provide ease of use to subscriber which desires further use of stored media content without requiring a re-downloading of the media content when a timed agreement is to expire.

Regarding claim 2, Owashi discloses "the method as described in claim 1 wherein said disabling

playback of said program content comprises reducing the quality of the playback of the program content" (col. 1 lines 23-29, col. 18 lines 49-53, reducing image quality for reproduction by restricting expansion or decompression of program content, where based on the amount of restriction on expansion or decompression the quality may be reduced or completely disabled).

Regarding claim 4, the claim has been analyzed and rejected for the same reasoning as claim 1 above, where the local clock is synchronized to a system time of day value prior to determining a current time of day.

Regarding claim 7 the claim has been analyzed and rejected for the same reasoning as claim 1 above

Regarding claim 8, the claim has been analyzed and rejected for the same reasoning as claim 7 above.

Regarding claim 9, Owashi discloses "the method as described in claim 1 and further comprising:

entering into a digital rights rental agreement to allow receipt of said program content. (col. 2 lines 39-44, col. 9 lines 32-45, an agreement is established such that a viewer falls within the viewer rights associated with a received program and may reproduce the given program while adhering to the agreement, where the agreement is a rental as the program may be reproduced for a given amount of time before a it would be necessary to establish a new agreement)

Regarding claim 10, Owashi discloses "the method as described in claim 1 wherein said disabling playback comprises:

disabling playback of some program content while not disabling playback of other program content." (i.e. content that has expired is disabled and content that has not expired is not disabled).

Regarding claim 11, the claim has been analyzed and rejected for the same reasoning as claim 1 above, where the local clock is synchronized to a system time of day value prior to determining a current time of day.

Regarding claim 12, the claim has been analyzed and rejected for the same reasoning as claim 1 above.

Regarding claim 13, the claim has been analyzed and rejected for the same reasoning as claim 7 above.

Regarding claim 14, the claim has been analyzed and rejected for the same reasoning as claims 1 and 7 above where the method and apparatus are substantially similar where the apparatus of claim 14 performs the method and would have been obvious to try by one of ordinary skill.

Regarding claim 15, the claim has been analyzed and rejected for the same reasoning as claims 1 and 7 above.

Regarding claim 16, the claim has been analyzed and rejected for the same reasoning as claim 2 above.

Regarding claim 17, the claim has been analyzed and rejected for the same reasoning as claim 8 above.

Regarding claim 18, the claim has been analyzed and rejected for the same reasoning as claim 9 above.

Regarding claim 19, the claim has been analyzed and rejected for the same reasoning as claim 10 above.

Regarding claim 20, the claim has been analyzed and rejected for the same reasoning as claim 11 above.

Regarding claim 22, the claim has been analyzed and rejected for the same reasoning as claim 13 above.

Regarding claim 23, the claim has been analyzed and rejected for the same reasoning as claim 1 and 7 above, where the method and apparatus are substantially similar where the apparatus of claim 23 performs the method and would have been obvious to try by one of ordinary skill.

Contacts

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623